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| Notice of Allowability | Application No. | Applicant(s) |
| | 10/044,235 | BLACK ET AL. |
| | Examiner Jean B. Corrielus | Art Unit 2637 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 8/8/05.
2. The allowed claim(s) is/are 1-17, 19-32, 34-36, 38-49, renumbered as 1-46, respectively.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.


Jean B. Corrielus
Primary Examiner
Art Unit: 2637

9-30-05

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jian Ma on 9/28/05. The application has been amended as follows:

IN THE CLAIMS:

Claim 3, line 3, before error, "the" has been changed to --an--; line 3, --from said error metrics-- has been inserted after instance.

Claim 10, line 5, "the" has been replaced by --each--; line 12, "the" has been replaced by --each--.

Claim 11, line 3, "the" has been replaced by --each--.

Claim 12, line 5, "the" has been replaced by --each--.

Claim 13, line 3, "the" has been replaced by --each--; line 5, "the" has been replaced by --each--.

Claim 14, line 3, "the" has been replaced by --each--.

Claim 15, line 5, "for each update period" has been deleted; line 6, "for the update period" has been deleted.

Claim 16, line 3, "a" has been replaced by --said--.

Claim 17, line 2, "the" has been replaced by --each--.

Claim 20, line 2, "the" has been replaced by --each--.

Claim 22, line 3, before signal, "the" has been changed to --a--.

Claim 28 "26' has been changed to --27--.

Claim 31, line 2, "capable of" has been replaced by --for--.

Claim 38 has been amended as follow:

--38. (Amended) The digital signal processor of claim 36, wherein the loop filter is further operative to [combine error metrics for the plurality of signal instances for each update period to provide a composite error metric and to accumulate the composite error metric] scale the error metric [for each signal instance] of the selected signal instance with a [respective] weight [, and to combine the scaled error metrics for the plurality of signal instances to provide the composite error].--

Claim 44, line 1, "each" has been replaced by --said at least one--.

Claim 45, line 1, "each" has been replaced by --said at least one--; line 4, -- particular—has been inserted after “for the”.

Claim 46, line 1, "each" has been replaced by --said at least one--; line 4, -- particular-- has been inserted after “of the”.

2. The following is an examiner's statement of reasons for allowance: a method and apparatus are disclosed to derived sample timing are disclosed the closest prior art Gurantz et al discloses a similar method and apparatus.

However, Gurantz et al does not teach or fairly suggest the limitations recited in

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claim 1, lines 4-10; claim 10, lines 6-12, claim 12, lines 4-13; claim 21, lines 4-11; claim 24, lines 9-14; claim 31, lines 3-9; claim 39, lines 7-11; claim 41, lines 6-11 and claim 42, lines 6-11, are neither anticipated nor rendered obvious by Gurantz.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is 571-272-3020. The examiner can normally be reached on Maxi-Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jean B Corrielus
Primary Examiner
Art Unit 2637 *9-30-05*